

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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**TRUSTEES OF THE LOCAL 807 LABOR
MANAGEMENT HEALTH FUND AND
TRUSTEES OF THE LOCAL 807 LABOR
MANAGEMENT PENSION FUND,**

Plaintiffs,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 23 2008 ★
BROOKLYN OFFICE

ORDER

07 CV 4211 (NG) (CLP)

- against -

EXPRESS HAULAGE CO.,

Defendant.

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GERSHON, United States District Judge:

On September 2, 2008, Magistrate Judge Pollak issued a Report and Recommendation (“R&R”) as to the damages owed by defendant Express Haulage Co., upon its default in this action. No objections were received, and the court adopts the R&R in its entirety.

Plaintiffs’ motion for default judgment against defendant is granted. The Clerk of Court is directed to enter judgment for plaintiffs in the total amount of \$1,412,022.84, comprised of:

(1) \$35,609.28 in delinquent contributions as granted to plaintiffs by the Arbitration Award, \$1,607.24 in interest, with \$17.24 accruing per day from June 28, 2007, and \$7,121.86 in liquidated damages; (2) \$936,193.00 in withdrawal liability, with interest assessed at 18% per annum from June 12, 2007 and liquidated damages equal to the amount of interest; (3) \$1,200.00 in arbitration fees; (4) \$8,467.50 in attorney’s fees; and (5) \$707.22 in costs.

The Clerk of Court is further directed to enter an injunction pursuant to § 1132(g)(2)(E) of the Employee Retirement Income Security Act of 1974, ordering defendant to submit to an audit of its books and records for the period from July 1, 2005 to December 20, 2006.

The Clerk of Court is also directed to close this case.

SO ORDERED.

s/NG

NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
October 22, 2008